

A  
**DECLARATION**

Of the Lords and Commons assembled in Parliament upon the Statute of 5 H<sup>4</sup>. whereby the Commission of Array is supposed to be warranted: *517. R. 11*

Together vvith divers other Statutes, vvhereby it appears that the said Commission is not warranted by any Act of Parliament, that it is contrary to the Laws and Customes of the Realme, destructive to the liberty and property of the Subject, contrary to the Petition of Right, and the Statute made this present Parliament. *England*

As also his Majesties Letter to the Sherif of *Leicester*-shire to execute the said Commission according to his Majesties Proclamation.

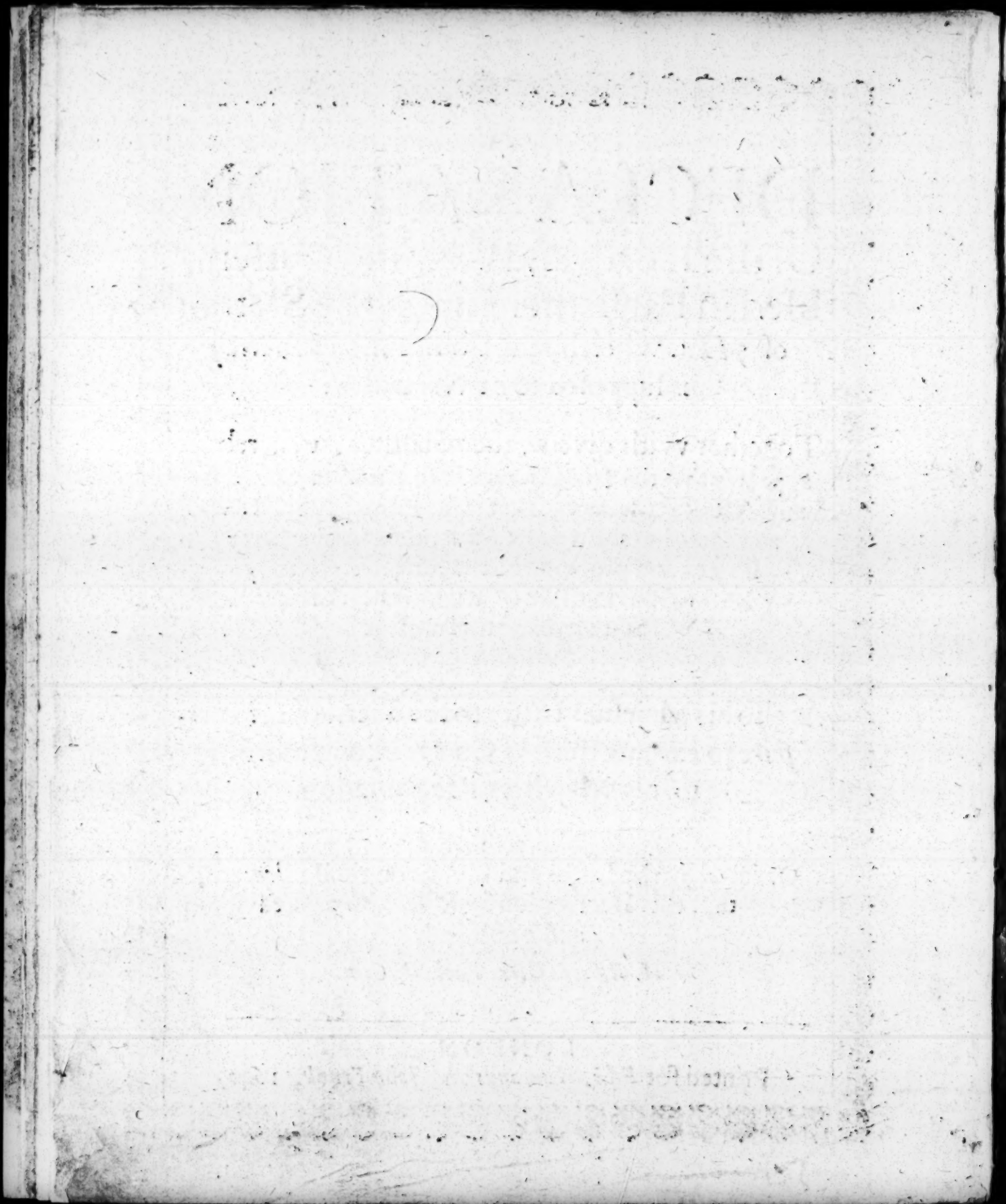
July 1. 1642.

Ordered by the Lords and Commons in Parliament, that this Declaration be forthwith printed and published.

*H. Elsyng Cler. Parl. D. Com.*

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LONDON,  
Printed for *Edw. Hubbands* and *John Frank*, 1642.



A

## Declaration of the Lords and Commons assembled in Parliament.



Hereas information hath beene given to the Lords & Cōmons assembled in Parliament that a Commission hath lately issued out under the great Seal of *England*, directed to the Earls of *Huntington & Devon*, *Henry Hastings* Esquire, and others, commanding them to array all men within the County of *Leicester*, according to their estates and abilities, and to charge them with arms at the discretion of the Commissioners, or any three of them; And to distraine all those that are able either in lands or goods to finde arms, and such as by reason of impotency are not able to serve in person to finde men at arms, according to the quantity of their lands and goods; and all such persons so arrayed and armed, to cause to be trained and exercised at the pleasure of the said Commissioners, or any three of them, and the persons so arrayed to draw to the coasts of the Sea, or elsewhere, and such as shall oppose or contradict the same Cōmission, to commit to prison, & there to detain them untill they shall be delivered by Law. And the said Lords and Commons are further informed, that together with the said Commission, a Letter under his Majesties hand was directed to the said Commissioners, declaring the legalitie of the said Commission to be grounded upon a Statute made in the 5 *H.4.* not printed, with further instructions to the said Commissioners for putting the same Commission forthwith in execution: and that divers Proclamations did issue forth endeavouring to justifie the legallity of that Commission. The tenour of which Commission, Letter, Proclamation and Statute, the said Lords and Commons have caused to be annexed hereunto.

The said Lords and Commons are much agrieved, and doe think



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think it strange that his Majesty being still misled by the suggestions of evill Counsellours after so many Declarations and solemne Protestations made to his Parliament and people, of his resolution to rule and governe by the Lawes of the Land, and to keep and mayntaine the same: And after so many Declarations made by both Houses of Parliament, of their loyalty and fidelity to his Majesty, and of their faithfull endeavours for the preservation of his Majesties honour and safety, and for the welfare, peace, and happiness of this Realme, should now be drawn to issue out such a Commission, so contrary to the Laws, and so full of danger and inconveniency to all his Majesties Subjects, which if admitted will be a heavier yoke of bondage upon the people then that of Ship-money, or any other illegall charge which hath been taken away this Parliament. And for that it is pretended that the said Commission is warranted by the said Act of Parliament made in the fifth year of King Henry the Fourth, The Lords and Commons have taken the same into consideration, and finde that the said Act of Parliament is no ground to warrant that Commission or any other Commission of that nature, and for the more cleere manifestation of the truth thereof, they have caused that act, as it is entred upon the Record, to be herewith printed, and to declare the reasons of their resolutions herein.

By the preamble of that Statute it doth appear, that the sole end thereof was to put out some clauses & words inserted in the Commission, that were grievous & dangerous for the Commissioners, as appears by these words in the beginning, viz. For the many forfeitures and divers other clauses & words comprised in the same, which were very grievous and hurtfull for the Commissioners named in the same Commission in divers Counties of England, &c. and these words in the latter end, And that none of the said Commissioners, their Heirs, Executors, or Tenants, by reason of any forfeitures or penalties, or any other thines comprised, be or hereafter be any way molested, grieved, endamaged, or impeached in any time to come, &c. & the clauses that were cancelled & put out of the said Commission, were only such as concerned the Commissioners, which appears by comparing the Commission corre-



Etod by the commons with the commission that then was issued  
 out, which is entred upon the Patent Roll, 5 H.4. par. prima M.28 5 H 4 p.  
 dorso, of which the Commons had a copy delivered unto them, and prima m.  
 the clauses contained in the copy delivered them, and cancelled by 28. dorso.  
 them were these scilicet, *Et ad nos & consilium nostrum de numero hujus-*  
*modi hominum ad arma & hominum armatorum & sagittariorum necnon*  
*de iolo facto vestro in hac parte sub Sigillis vestris, vel alicujus vestrum ci-*  
*tra Octab. S. Hillarii proximi futur. distincte & aperte certificand.*  
*sub forissadur. omnium quæ nobis forissacere poteritis & prout vobis*  
*respondere volueritis de damnis & periculis, si quæ per vestrum defectum*  
*& negligentiam (quod absit) eveniant.* Then in the conclusion, *Scientes*  
*pro certo quod si periculum vel damnum regno nostro prædicto in paribus*  
*illis per inimicos nostros pro defectu arraiationis & defensionis & Duccionis*  
*hujusmodi ex tunc (quod absit) evenierit defectum & periculum hujusmodi*  
*vobis & negligentie vestre volumus & debemus repiare, & pœnitus as-*  
*signare.* And their prayer in cōclusion was, that thereafter no cōmis-  
 sion of array might issue out otherwise, nor in other words then were  
 contained in the said copy, and that the commissiōners, their heirs,  
 or tenants might not be molested or troubled. So that it is to be  
 observed, the Commons did not desire any amendment or declara-  
 tion, as to the power of the execution of the commissiō, which  
 surely did most concern them & the Kingdom, But touching that,  
 they very well knew that by the Law of the Kingdom, and divers  
 acts of parliament then in force, no such power could be exercised  
 over them. For the Statute of *Winchester* made the 13 E.1. then in  
 force, did declare the certain proportion of arms every man was  
 to have according to his estate in lands or goods, and the times, and  
 how often their arms were to be viewed, and by whom, and in  
 what manner their defaults were to be punished. The Statute it self  
 followeth in these words, *viz.* And further it is commanded, that  
 every man have in his house, harnesse to keep the peace, after the  
 ancient assize, that is to say, every man betwixt 15 yeeres of age,  
 and 40 yeers shal be assessed and sworn to armour according to the  
 quantity of their lands and goods, that is to wit, from 15 l. lands,  
 and goods 40 marks, that is to wit, an Hawberk, a Brestplate  
 of iron, a Sword, a Knife, and an Horse, and from 10 l. of lands, and  
 20 marks of goods, a Hawberk, a Brestplate of iron, a sword, and

Stat. 13.  
 E.1.

(4)

a Knife: and from 5 l. lands, a Doublet, a Brestplate of Iron; a Sword and a Knife: and from 40 s. lands, and more unto 5 l. of land, a Sword, a Bow and arrows, and a Knife: and hee that hath lesse then 40 s. yearly shall be sworne to keepe Gyfarms, Knives, and other lesse weapons: and hee that hath lesse then 20 marks in goods shall have Swords Knives, and other lesse weapons: and all others that may, shall have Bows and arrows out of the Forrest, and in the Forrest Bows & Bolts: and that view of armour be made every yeer two times: and in all Hundreds and Franchises, two Constables shall be chosen to make the view of armour: and the Constables aforesaid shal be present before Justices assign'd for such default as they do see in the country about armor: and of the suits of Towns & of Highways. And also shal present all such as do lodge strangers in uplandish Towns, for whom they will not answer. And the Justices shall present also at every parliament unto the King such defaults as they have found, and the King shall provide remedy therein. And from henceforth let Sheriffs take good heed and Bayliffs within their Franchises, and without, be they higher or lower, that have any Bayliwick, Forrestry in Fee, or otherwise, that they shal follow the Cry with the Country, & after, as they are bound to keep horses & armour so to do. And if there be any that do not, the defaults shall be presented to the Justices assigned and after by them to the King as before is said, and the King shall provide remedy. And the Statute made in the first yeer of E.

Stat. 1. E. 3. cap. 5. Stat. M. 29. which followeth in these words. *Item*, the King willet that no man from henceforth shall be charged to arm himselfe otherwise then hee was wont in the time of his Progenitours Kings of *England*, and that no man be compelled to go out of his Shire, but where necessity requireth and sudden comming of strange enemies into the Realme; and then it shall be done as hath bin used in times past for the defence of the Realme, declares the Law to the same effect with the former, for here it is declared, no

Stat. 25. E. 3. cap. 8. Entered in the Parliament Roll. 25 E. 3. n. 23. man can be charged with armes otherwise then as in time of the Kings Progenitors, or compelled to goe out of his County but in case of actuall invasion. And to the same effect is the Statute made 25 E. 3. cap. 8. which followeth in these words. *Item*, it is accorded and assented that no man shall be constrained to find men of arms,

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Hoblers or Archers, other then those which hold by such services, if it bee not by common assent or grant made in Parliament, for that is contrary to the Law of the Realme.

And by another Act of Parliament made 4. H. 4. Cap. 13. the former Acts of 1. E. 3. and 15. E. 3. are all confirmed as may appeare by the statute taken out of the Parliament roll it selfe, because that the printed booke doth not fully recite it, which followeth in these words, *viz.* To the thrice excellent, thrice renowned, and thrice gracious Sovereigne our Lord the King, wee your poore Commons pray, that the Statute made in the first yeare of the raigne of the Noble King *Edward* your Grandfather, containing, that none shall be distrayned to go out of their Counties, but only for the cause of necessity of sudden comming of strange enemies into the Realme. And the Statute made in the 18. yeare of the Raigne of the said Grandfather, That men of Armes, Hoblers and Archers, Chosen to go in the Kings service out of England, shall be at the Kings wages from the day they do depart out of the Counties where they were Chosen. And also the Statute made in the 25. yeare of the raigne of the said Grandfather, that none be Compelled to find men of Armes, Hoblers, nor Archers, other then those which hold by such services, vnlesse it bee by Common assent, and grant made in Parliament, shall be firmly holden and kept in all points safe without being broke in any manner; And that none of us the said Commons be distrayned to go into *Wales*, or else where out of the Realm, Contrary to the forme of the Statutes aforesaid. And that all the Commissions and Writs made contrary to the said Statutes, and all the Indictments, and accusations, obligations, and ties made by Colour of the said Commissions or Writts with all their Dependancies and Circumstances thereof, may be revoked, Cancelled, quashed and disanulled for ever, as things made against the law, and that they may not bee taken for an example in time to come; And if any of your leige people bee imprisoned by force of the said Indictments or accusations, that they be presently delivered, and the said Indictments be void. The King Consenteth to this law with this, that allwayes by force or colour of the said supplication, nor of

Stat. 4 H.  
4. Cap. 13.  
Rot. Par-  
liament. 4.  
H. 4. num.  
56.



any Statute therupon to be made, the lords nor any other that have lands or possessions in the Country of *Wales* or in the Marches thereof shall in no wise be excused of their services and devoiers due of their said lands and possessions, nor of any other devoier or things whereto they or any of them bee especially bound to our said Lord the King, though that the same Lords and others have other lands and possessions within the Realm of *England*; nor that the Lords or other of what estate or condition soever they bee, that hold by Escuage or other services due to the King any lands and possessions within the said Realm, be no way excused to do their services and Devoiers due of the said lands and possessions; nor that the Lords, Knights, Esquires, nor other persons of what estate or Condition they bee, which hold and have of the grant or Confirmation of our said Lord the King, lands, possessions, Fees, Annuities, pensions, or other yearlie profitts be not excused to do their services to our Lord the King, in such manner as they are bound, because of the Lands, Possessions, Fees, Annuities, Pensions, or Profitts aforesaid. So that the Statutes before mentioned were all Confirmed by the Parliament held not full one yeare before this Statute of 5. *H.* 4. And by these Acts, it cleerly appeareth, that the King could not by the Law give power to impose Arms upon the Subjects, or to Compell them to bee drawne out of their Counties; and therefore the Commons of the Parliament of 5. *H.* 4. many whereof very probably served in the immediat Parliament before when the Statutes aforesaid (was confirmed) knew very well that the Commission of Array, then presented unto them could not bind them that had the law, and strength of so many Acts of Parliament to protect them. But because the former Act of Parliament did provide remedy only for the persons that were to bee Commanded, and not for the Commissioners that were to put those commands in Execution, upon very great paines the Commons, for the indemnity of those persons who under colour of those Commands might probably be troubled and vexed by Fines or imprisonments, thought it necessary to secure them as well as themselves, and therefore prayed that the penall clauses touching the Commissioners might be put out.

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And though many Commissions of Array did afterwards  
issue forth in the times of *H. 4. H. 5. & H. 6.* Yet did not any  
issue out agreeable in words and manner with that cor-  
rected Commission, as may appeare by the Pattent Rols  
of those times, and the very next Commission that issued  
out *5. H. 4.* which was in time *6. H. 4.* and is entred upon  
the Pattent Roll *6. H. 4. M. 15. Dorso.* did not agree either  
in word or matter with that of *5. H. 4.* and most of the  
Commissions that afterwards issued vary from that even  
in substance. And surely had it been conceived in those  
times that the forme of the cōmission agreed upon *5. H. 4.*  
and there entered had been by that Parliament enacted,  
they would not have issued out so many Commissions;  
especially in *6. H. 4.* being the next immediate yeere, of dif-  
ferent words and different matter, which cleerely made  
them void by that Statute of *5. H. 4.* for the Statute doth  
ordaine them no Commission of Array should then after  
issue out otherwise, or in other words, then the Copy  
agreed upon, whereby all Commissions in other words or  
other manner issued would be voyd, and not warranted  
by that Law, had it enacted that Commission; And that the  
Law then was, that no other person could be compelled to  
furnish and provide Armes and Horse, and goe out of his  
County otherwise then is declared by the afore-recited  
Acts of Parliament, doth not onely appeare by those Sta-  
tutes, but by severall Acts of Parliament made after *5. H. 4.*  
The Statute made in the fourth and fifth yeere of *Philip and*  
*Mary, cap. 2.* repeales all former Statutes concerning the  
finding of Armes, and all penalties and forfeitures touch-  
ing the same; And by that Act settled the proportions of  
Men, Horses and Armes that every man was to finde, ac-  
cording to the value of their respective estates, and sets  
downe the penalties and forfeitures of such as should  
disobey, and this Law continued in force till the first  
yeere

*6. H. 4. Roll  
Patt. M. 15.  
Dorso.*

*4. & 5. Ph.  
& M. ch. 2.*



Stat. 1 Jac. cap. 25. yeere of King *James*. But by Statute made that yeere, Cap. 25. the last mentioned Statute of 4. & 5. *Philip & Mary*, (probably because of the great proportion of Armes it did impose) was repealed and by that repeale the former Statute of 13. E. 1. was againe revived, for that the Statute of 4. & 5. *Ph. & M.* that had repealed that Law was repealed, and afterwards in the Parliament, 21. *Jac.* cap. 28. the Statute of 13. E. 1. cap. 6. and of 33. *H. 8.* cap. 5. were both of them repealed. And then admitting the Commission of Array as to finding of Armes *juxta statum & facultates* to be established by 5. *H. 4.* which might have some colour to be legall, as to that part for finding of Armes grounded upon the Statute of 13. E. 1. for that Statute which then was in force did enact the finding of Armes *juxta statum & facultates* in manner as there is expressed, yet when that Statute of 13 E. 1. is repealed, then that Commission is likewise repealed and become unwarrantable, now it is not probable that the Parliament of the first of King *James* would have repealed the Statute of 4. & 5. *Ph. & M.* and that of the 21. yeere of King *James* would repeale the Statutes of 13. E. 1. & 33. *H. 8.* which in a moderate manner did proportion the Armes every man was to finde in certainty, and suffer an Act of Parliament to continue, that did establish a power in the King without limitation not onely to impose Armes but to command the persons of the Subject at pleasure, for such is the power of the Commission of Array, and they had shewed very little care of their own and the Subjects liberty, in the Parliament of the first yeere of King *James* to repeale the Statute of 4. & 5. *Philip & Mary*, that had repealed all former Statutes penalties and forfeitures touching finding of Armes, whereby (without question) the Commission of Array admitting it to be established by Parliament was repealed, and thereby



thereby to revive the power of that Commission which would have subjected the people to farre greater bondage. And surely had the Commission of Array beene authorised by Act of Parliament, whereby power is given to charge all sorts of men without distinction with Armes at the discretion of the Commissioners, without limitation, and to traine and exercise at pleasure without restraint either of time or place, It was to little purpose to make the Statute of 4. & 5. *Philip & Mary, cap. 3.* Stat. 4. & 5. Pb. & M. c. 3. whereby the penalty of ten daies imprisonment, or the payment of forty shillings, is imposed upon such as doe not appeare at Musters being summoned thereunto by the Kings Commissioners authorised for that purpose; and the Commissions of Lord Lieutenants and Deputy-Lieutenants so grievous to the people, and declared illegall in Parliament, had not been so often issued and so much pressed upon them, if the Commission of Array not much differing from it in power and not at all lesse grievous to the subject, might by the warrant and authority of the lawes of the Realme have supplied their roome. But if all that hath been said had been omitted, the illegality of this Commission is sufficiently cleered by two Statutes made in the Kings Majesties raigne that now is, the one being the Petition of right confirmed this Parliament, and the other enacted this present Parliament. For in the petition of right the Lords and Commons doe amongst other things set forth that by the good Lawes and Statutes of this Realme the Subjects have inherited this freedome that they should not be compelled to contribute to any tax, tallage, ayd or other like charge not set by common consent in Parliament, then they complain that divers charges have been layed, and levied upon the people in severall Counties by Lord Lieutenants, deputy Lieutenants, Commissioners

Petition  
of right  
3. Car.

for musters, Justices of Peace, and others, by command, & directions from his Majesty, or his privy Councell, against the Lawes, and free customes of the Realme, so that the Law there declared, was that none could be compelled to contribute to any Tax, Tallage, Aide or otherlike charge, but by consent in Parliament: The breach of that Law to be for that divers charges were laid upon the people by Lords Lieutenants, Commissioners for musters, and others by command or direction from his Majesty, which comprehends the case in question, For here is a Tax or Charge imposed upon the people by compelling them to finde Armes; This Charge is imposed by command and directions from his Majesty, for it is by Commission under the great Seale, and all this without the consent of the Lords and Commons in Parliament, so within the words of the Petition of right, And it is very well knowne, and it doth sufficiently appeare that the charges there mentioned to be layd by Lords Lieutenants, and deputy Lieutenants were the charging of the Subjects with Armes, against Law, by colour of their Commission from his Majesty. The other Statute made this Parliament intituled an Act for the better raising, and levying of Souldiers for the present defence of the Kingdomes of *England*, and *Ireland*, In the preamble declares in these words, *viz.* Whereas by the Lawes of this Realm none of his Majesties Subjects ought to be impressed, or compelled to goe out of his County, to serve as a Souldier in the wars except in case of necessity, of the suddaine comming in of strange enemies into the Kingdom, or except they be otherwise bound by the Tennor of their Lands or possessions.

And that this commission is directly contrary to this Declaration is so evident that it requireth no application: So that upon the whole matter the state of the case in question stands thus.

By

By divers acts of Parliament made in the times of King *Edward* the first, King *Edward* the third, and confirmed by a Statute in the fourth yeare of *Henry* the fourth, the subject was not compellable to finde any other Armes, then was declared by those Statutes, or to goe out of their county, but in case of actuall invasion by forraigne enemies. And by an expresse clause of the said Statute of confirmation, none of the people were to be distreined to goe into *Wales*, or elsewhere against the forme of the said statutes: And that all the commissions & writs made contrary to the said Statutes, and all Inoitements, Accusations, Bonds, and things done by colour of the said commissions, or writs, with all their dependancies, and circumstances, should be revoked cancelled quashed and made void for ever, As things done against the Law, and that they should not be drawne in example in time to come: Then in *October* following divers Commissions expresly contrary to those statutes issued out to severall counties of this Realm, in *Hilary* Terme next following that *October*, another Parliament was called, and then a copy of that commission was delivered to the Commons, who complained onely of divers dangerous clauses contained in the same that concerned the Commissioners, for whom no provision at all was made by any the former Acts of Parliament, and those clauses onely put out by the Commons, who desire that no Commission hereafter should issue out otherwise, or in other words then are contained in the said Copy, but take no further care of themselves, knowing very well that as to the power of charging them with Armes, Trayning, and exercising of them, and commanding them out of their Counties, the same was sufficiently provided for, the Parliament before being all within the compasse of a yeare, for that Parliament was summoned in *Michaelmas*, the fourth *Henry* the fourth. And it



is to be observed that the Commission of Array awarded before that Parliament, was at or about the very time the Kingdome was invaded by forraigne enemies, The *French* having assaulted the Isle of *Wight*, and burned *Plimouth*, and the *Scots* having entred the North parts of this Kingdome, which probably was the reason the Commons did not complaine against the issuing of that Commission: But as they doe not complaine, so doe they not give it any establishment by Parliament, and the Law thus continued untill the fourth and fifth *Philip* and *Mary*, which repeales all Statutes touching the finding of Armes, and provides for it in a speciall manner, then that Statute of *Philip* and *Mary* was repealed, 1 *Jac.* whereby all the former Lawes were againe revived: Then the Statutes of 13. *Edward* the first, and 33. *Henry* the eighth were repealed by 21 *Jac.* So that the pretence of the legality of the said Commissions endeavored to be justified by the afore mentioned Proclamation, doth now appeare vaine and unwarrantable: And though by the said Proclamation it is alledged, that the power of granting such Commissions for the defence of the King, and Kingdome, is inherent in the Crowne, and warranted by presidents of the like Commissions in all ages, both before and since *Magna charta*, The Penner of that Proclamation must produce those presidents, and make void divers Acts of Parliament herein before cited that prove the contrary, or surely he cannot expect to be believed: It is true some presidents he may produce of Commissions of Array before 5. *Henry* 4. for divers issued out in divers Kings raignes, and for the most part they were warranted by particular Acts of Parliament, for 13. *Ed.* 3. It appeareth by the Alm. Roil m. 8. 15, 16. *Dorso.* That divers Commissions of Array did issue, but those Commissions were warranted by an Act of Parliament made that yeare for

Roll Al.  
13. *Ed.* 3.  
m. 8, 15, 16.  
*dorso.*

for that purpose, as appeares by the Parliament Roll 13. *Ed. 3. p. 2. N. 29.* And the next yeere after, divers Com-  
missions of the like nature did issue forth, and a speciall *13. Ed. 3. p. 2. n. 39.*  
Act of Parliament to warrant the same, as appeareth by  
the Parliament Roll. *14. Ed. 3. p. 2. N. 36. 41.* And in the Roll *14. Ed. 3. p. 2. n. 36. 41.*  
of *Scotland*, *14. Ed. 3. N. 6. 2. 47. 50. 53. 54. & 14. Ed. 3. M. 2.* *14. Ed. 3. p. 2. n. 36. 41.*  
*dorso.* But how far this may warrant the legality of the Com- *14. Ed. 3. n. 6. 2. 47. 50.*  
mission in question, let the world judge, neither can *53. 54.*  
hee finde any opinion of Sir *George Crooke*, or Sir *Richard Hutton* in their Arguments of Master *Hampdens* *14. Ed. 3. M. 2. dorso.*  
case, to prove the legallity of the Commission in question:  
And it is much wondred how the penner of that Pro-  
clamation, can warrant that Commission by the statute of  
4. & 5. of *Philip* and *Mary Cap. 3.* or where in that statute he  
finds any power to compell men against their wills to pro-  
vide Armes to traine, and muster at pleasure, to be com-  
manded out of their Counties, and to be imprisoned du-  
ring pleasure: It is true by that Statute it is ordained,  
That if any person shall be commanded to muster before  
any person authorised for the same by Commission from  
the King, do absent himselfe, or do not bring with him his  
best furniture, or Array as he then shall have in readinesse,  
he shall be imprisoned for 10 daies, or pay 40. s. But the  
power to charge him with Armes, or to command to ex-  
ercise, and traine, or to imprison him for his disobedience,  
during pleasure, the penner of that Proclamation must  
finde some where else, for he cannot finde it in that Sta-  
tute, upon all which it followeth, that the Commission  
of Array now lately issued forth is not warranted by any  
Act of Parliament; is contrary to the Law, and Customes  
of the Realme, destructive to the liberty, and property of  
the subject, contrary to the Petition of right, and the said  
Statute made this present Parliament.

Rotulus

Rotulus Parliamenti tent. apud Westmonasterium in  
 Craſtino Sancti Hillarii Anno Regni Regis *Henrici* quarti  
 poſt conqueſtum quinto.

Touchant la Commiſſion de Larraie 24.

**I**tem touchant la Commiſſion de Larraie par  
 les pluſours forfeitures & autres diuerſes clau-  
 ſes & paroles comprises en ycell q<sup>e</sup> furent tropp  
 grieuouſes damageouſes & perillouſes par les  
 Comiſſioners nommez en meſme la Comiſſion es  
 diuerſes Countees Dengleterre dont la Cope  
 fuist liberee as ditz Cōes par ent eſtre adu-  
 ſez, & de le Corriger ſolonc. leur ententions meſ-  
 mes les Cōes eue ſur ceo deliberation & aduys  
 firent canceller certains clauſis & paroles com-  
 priſez, en ycelle, & prirent au Roy q<sup>e</sup> deſore  
 enabant nall Comiſſion de Larrai iſſeroit au-  
 trement, ne en autres paroles que neſt contenuz  
 en la dictē Copie & q<sup>e</sup> les ditz Comiſſioners  
 ſur heirs Executors ou terre tenants percauſe  
 dancuns forfeitures ou peynes ou aucons  
 autres choſes comprises en la dit. Comiſſion ne ſoyt  
 ou ſoient deſore aucunement moleſtez grebez enda-  
 mages ou empelches en aucun temps aduenir  
 quel prier noſtre dit. Seg<sup>r</sup>. le Roy de Ladvis  
 de S<sup>r</sup>. eue ſur Communication oueſque les  
 Judges du Roialme molt graciouſement ottroie  
 en Parlement de quel Copie le tenure ſenſuite en  
 ceſtes paroles.

Touching



# Touching the Commission of Array. 24.

**I***tem*, Touching the Commission of Array, for the many forfeitures, and divers other clauses and words comprised in the same, which were very grievous, hurtfull, and dangerous for the Commissioners, named in the same Commission, in divers Counties of *England*; the copy whereof was delivered to the said Commons, to be thereupon advised, & to correct it according to their intentions: The said Commons having had deliberation, & advice upon it, caused certain clauses and words comprised in the same, to be cancelled; and prayed the King, that hereafter no Commission of Array issue out, otherwaies, nor in other words than are contained in the said Copy; and that none of the said Commissioners, their Heires, Executors, or Tenants, by reason of any forfeitures, or penalties, or any other things comprised in the said Commission, be, or hereafter be any waies molested, grieved, indamaged, or impeached in any time to come: Which prayer our said Lord the King, by the advice of the Lords, having hereupon communication with the Judges of the Kingdome, most graciously granted in Parliament: Of which Copy the Tenor followeth in these words:

*Rex, &c.*

**D***ilectis & fidelibus suis*, Thomæ Sackvill, Iohanni Castellon, Iohanni Reynes, Iohanni Terringham, Rich. Darches, Will. Molins, Ioh. Boyse, Edm. Hampden,

den, Simoni Darches, Rogero Dayrell, Roger. Cheyney,  
 Edm. Brudenell, Ioh. Barton Seniori, & Rich. Wyot,  
 ac vic. nostro Bucks salutem: Sciatis quod cum quidem ini-  
 mici nostri Regnum nostr. Angliæ cum posse non modico præ-  
 sentibus treaguis non obstantibus jam tardè hostiliter ingressi  
 fuerint, & in diversis partibus ejusdem Regni combusserint  
 nos malicie hujusmodi inimicorum nostr. si Regnum nostrum  
 prædict. iterato invadere præsumperint, quod absit gratia  
 nobis favente divina, resistere, ac pro salvatione & defension-  
 e nostri ac Regni prædicti & ligeorum nostrorum, ejusdem  
 disponere, & ordinare volentes, ut tenemur, assignavimus vos  
 conjunctim & divisim ad arraiand. & triand. omnes & singu-  
 los homines ad arma, ac homines armatos, & sagittar. in Com.  
 prædict. commorantes infra libertates & extra, & ad armari  
 faciend. omnes illos qui de corpore sunt potentes & habiles ad  
 armand. qui de suo proprio habent, unde seipsum armari pos-  
 sunt, viz. quilibet eorum juxta statum & facultates suas, &  
 ad assidend. & aportionand. juxta avisament. & discretiones  
 vestras, ac etiam ad distringend. omnes illos qui in terris &  
 bonis sunt potentes, & pro debilitate corporum ad laborand.  
 impotentes, ad inveniend. juxta quantitatem terrarum & bo-  
 norum suorum, & prout rationabiliter portari poterunt salvo  
 statu suo armaturas hominibus ad arma & hominibus armati,  
 ac arcus & sagittas ita quod illi qui morabuntur seu morari  
 poterunt ad domum suam propriam in patria sua super defen-  
 sionem ejusdem Regni contra inimicos nostros si periculum eve-  
 niat non capiant vadia, nec expensas pro mora sua apud damos  
 suas



suas prædictas, & ad dictos homines ad arma ac homines arma-  
 tos & sagittarios sic arraiatos & munitos continue in arrai-  
 atione, ut in millenis, centenis, & vintenis, & alias prout con-  
 veniens fuerit, & necesse teneri & poni faciend. & eos tam  
 ad costeram maris quàm alia loca, ubi & quoties necesse fuerit  
 ad dictos inimicos nostros expellend. debelland. & destruend.  
 de tempore in tempus cum aliquod periculum immineat man-  
 dand & injungend. & ad moustr' sive ad moustrationem eo-  
 rundem hominum, ad arma, ac hominum armatorum, ac sagit-  
 tatorum de tempore in tempus quoties indignerit diligenter  
 faciend. & superintend. ac etiam ad proclamand. ordinand.  
 & diligenter examinand. quod omnes & singulos huiusmodi  
 homines ad arma, & homines armati, & sagittarii in moustris  
 huiusmodi armaturis suis propriis & non alienis armentur sub  
 pœna amissionis eorundem exceptis duntaxat illis qui ad ex-  
 pensas aliorum armari debent ut prædictum est, & ad omnes  
 & singulos quos in hac parte inveneritis contrarios seu rebel'  
 arrestand. & capiend. & eos in prisionis nostris committend. in  
 eisdem moratur, quousque pro eorum punitione aliter duxeri-  
 mus ordinand. & ideo vobis & cuilibet vestr' distriximus quo  
 possumus super fide & ligeancia quibus nobis tenemini injun-  
 gimus, & mandamus quod statim visis presentibus vos ipsos  
 melius & securius quo poteritis arraiari & parari & coram  
 vobis ad certos dies, & loca quos videritis magis competentes  
 & expedientes, & pro populo nostro minus damnosos omnes  
 homines in patria commorantes per quos arraiatio et munitio  
 huiusmodi melius fieri et compleri poterunt venire et vocare

fac' et eos arraiari, armari, et muniri, et eos sic arraiatos et  
 munitos in arraiatione huiusmodi teneri fac', et insuper signa  
 vocata Bekyns poni fac' in locis consuetis, per quae gentes  
 patriae de adventu inimicorum nostrorum poterunt congruis  
 temporibus praemuniri; et eosdem homines sic arraiatos et mu-  
 nitos cum periculum imminuerit in defensione Regni et Patriae  
 praedict. de tempore in tempus tam ad eosteram maris quam alia  
 loca ubi magis necesse fuerit, duci fac', ita quod pro defectu  
 defensionis, arraiationis, siue ductionis dictorum hominum, vel  
 per negligentiam vestram, damna Patriae praedict. per inimi-  
 cos nostr. amodo non eveniant ullo modo pro posse vestro. Da-  
 mus autem universis et singulis Comitibus, Baronibus, Militi-  
 bus, Maioribus, Ballivis, Constabular. Ministris, et aliis fide-  
 libus et ligeis nostris com. praedict. tam infra libertates quam  
 extra, tenore praesent' firmiter in mandatis quod vobis &  
 ouilibet vestrum in omnibus et singulis praemissis faciend.  
 et explend. intendentes sint consulentes et auxiliantes, et tibi  
 praefat' Vic' quod ad certos dies et loca quos ad hoc ordinaveri-  
 tis venire fac' coram vobis omnes illos in com. praedict. per  
 quos arraiatio, assessio et ordinatio melius poterunt fieri et  
 compleri, et illos quos pro Rebellionis sua capi et arrestari con-  
 tingerit in prisona nostra custodias, sicut praedictum est. In cu-  
 jus rei &c. T. R. apud Westminst. 20 die Octobris.



The Copy of the Kings Letter sent with the  
Commission of Array to *Leicestershire*.

CHARLES R.

**R**ight trusty and right well beloved Cousins, and right trusty and well beloved, We greet you well : Whereas it hath been declared by the Votes of both Houses of Parliament the 15<sup>th</sup> of *March* last, That the Kingdom hath been of late, and still is, in so evident and imminent danger, both from enemies abroad, and a Popish discontented Party at home; That there is an urgent and inevitable necessity of putting our Subjects into a Posture of defence, for the safeguard both of our Person and people: And that sithence divers Inhabitants of divers Counties have addressed their Petitions to that purpose; And whereas a small number of both Houses (after it had been rejected by the Lords in a full House, and without our Royall assent, or the opinion of the Judges concerning the legality hereof,) have attempted by way of Ordinance to put in execution the power of the *Militia* of the Kingdom, and to dispossesse many of our ancient Nobility of the command and trust reposed in them by Vs, and have nominated divers others, who have no interest in, nor live neer to some of the Counties to which they are nominated for the Lieutenancy, whereby they cannot bee properly serviceable to the Counties where-with they are intrusted, nor our People receive that content and security which We desire they should : To submit to the execution of which power by the way of Ordinance, without

it were reduced into a Law by A<sup>t</sup> of Parliament, established by Our Royall assent, were to introduce and expose our Subjects to a meere Arbitrary government; which by Gods grace Wee shall never permit.

We therefore considering, that by the Lawes of the Realm it belongeth solely to Vs, to Order and Govern the *Militia* of the Kingdome; have thereupon by Our Proclamation of the 27 of *May* last, prohibited all manner of persons whatsoever upon their Allegiance, to Muster, Levie, or summon, upon any Warrant, Order or Ordinance, from one or both Houses of Parliament, whereunto We have not, or shall not give our expresse consent, any of the Trained Bands, or other Officers, without expresse Warrant under our hands, or Warrant from Our Sheriffe of the County, grounded upon a particular Writ to that purpose under our great Seale. And considering that in ancient time the *Militia* of the Kingdom was ever disposed of by Commissions of Array, and that by a particular Statute upon Record in the Tower, made in the fifth yeare of *Henry* the Fourth, by full consent of the Prelates, Earles, Barons, and Commons, and at their suit, and by the advice and opinion of the Judges then had, such Commissions were mitigated in respect of some clauses perillous to the Commissioners, and approved of for the time to come: And that by the subsequent Records it appeareth, that all Our Royall Predecessors have continually exercised that power by such Commissions, till of late time they have been discontinued by the Grants of particular Commissions of Lieutenancy; little differing in substance from the said Commissions of Array, against which it seemes the Houses have taken some exception. And though wee are no way satisfied of the illegality of them, Our Councell being never heard in the defence thereof, yet being willing to avoid all exceptions at present, Wee have thought fit to referre it, to that ancient legall way of dif-



disposing the power of the *Militia* by such Commissions of Array, for defence of Vs, our Kingdome, and our Countrey: Authorizing you, or any three or more of you, to Array and traine our People, and to apportion and aslesse such persons as have estates, and are not able to beare Armes, to finde Armes for other men, in a reasonable and moderate proportion; and to conduct them so Arraid, as well to the Coasts as other places for the opposition and destruction of our enemies in case of danger, as to your discretions, or any three or more of you shall seeme meet, Whereof you *Henry Earle of Huntington*, and in your absence *William Earle of Devon*, or *Henry Hastings Esquire* to be one; And being both confident in a great measure of the Loyall affections of our people, and very tender to bring any unnecessarie burthen or charge upon them, by augmenting the number of the Trained Bands; We do for the present only require, that you forthwith cause to be mustered and trained all the ancient trained Bands and freehold Bands of the County, carefully seeing, that they be supplied with able and sufficient Persons, and compleatly armed; unlessse you finde that there be just cause, and that it shall be with the good liking of the Inhabitants for their own better security to make any encrease of their numbers; And over such Bands to appoint and set such Colonels, Captaines, and Officers, as you shall think most fit for the discharge of that service, being such Persons as have considerable interest in the County, and not strangers. And in case of any opposition, you are to raise the power of the County to suppress it, and to commit all such Persons as shall bee found rebellious herein, into the custody of Our Sheriffe; whose care and assistance We especially require. And that hee shall from time to time issue forth such Warrants for the assembling of our people, at such times and places as by you shall be agreed on, according to the trust reposed in him by our said Commission. And We have authorized.

thorized you our Commissioners, or any three of you, after such Array made, from time to time, to traine and take musters of our said Bands; and to provide Beacons, and other necessities for the better exercising of our people, and discovery of sudden invasions and commotions: Of all which your proceedings herein, We expect a speedy and plenary accompt, according to the trust reposed in you, and authority given you by our Commission on that behalfe.

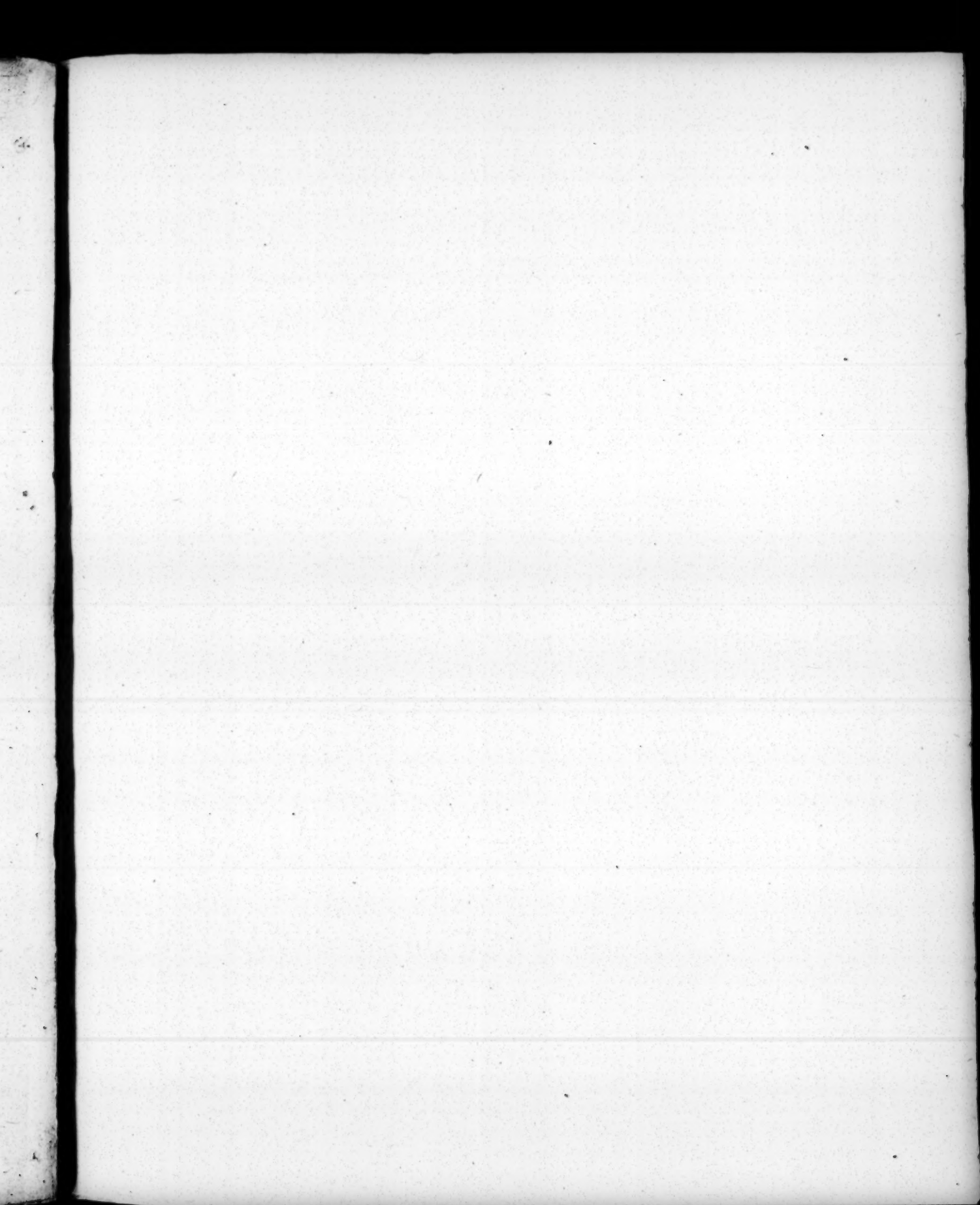
*Given at our Court at York the 12th day of June in the  
18th yeere of our Reigne, 1642.*

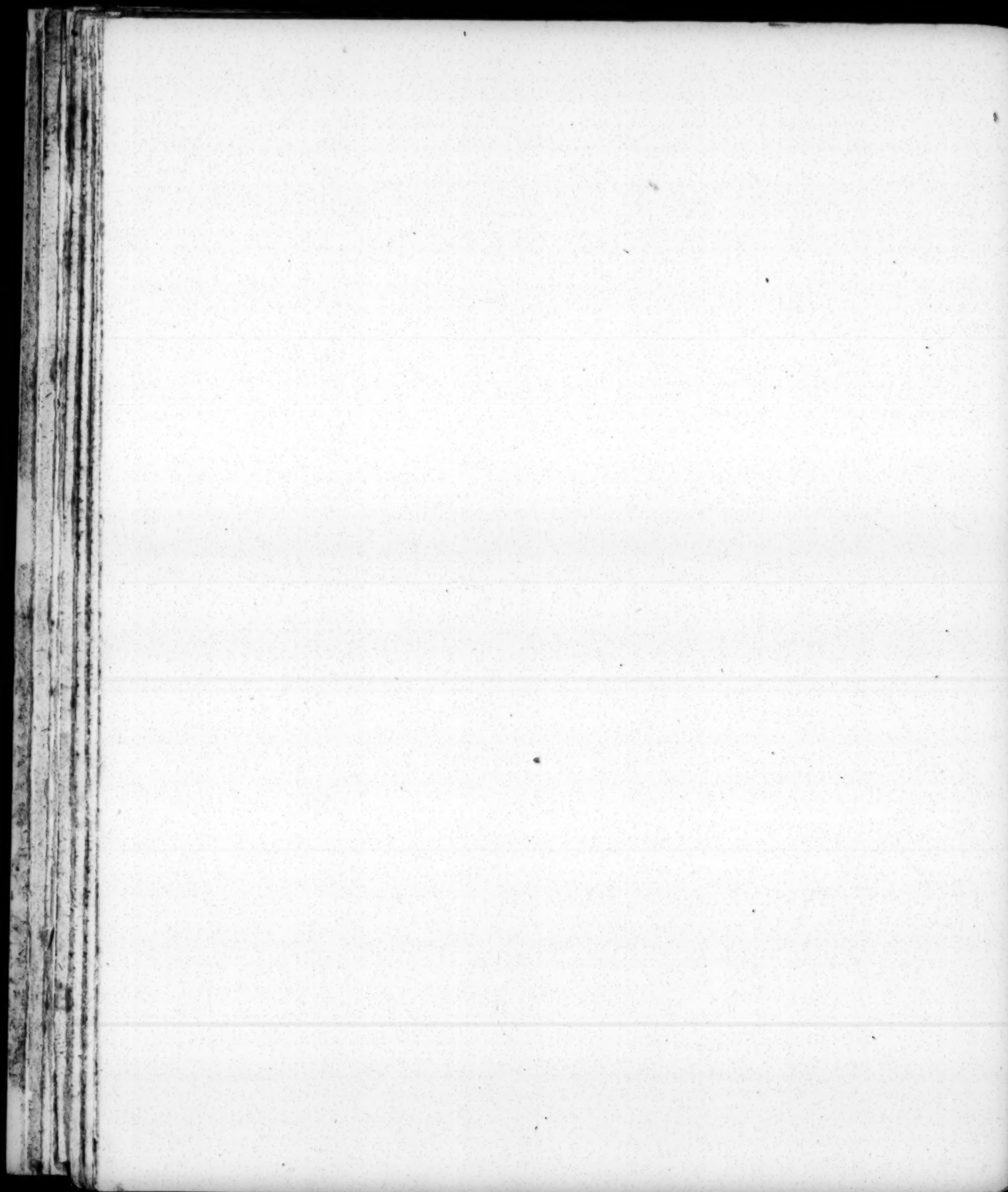
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FINIS.






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**C**AROLUS Dei gratia Anglia, Scotia, Francia  
 & Hibernia rex fidei defensor, &c. Charissimis consan-  
 guineis nostris Hen. Com. Huntington & Wilhelmo  
 Com. Devon necnon dilectis & fidelibus nostris Hen.  
 Hastings Armigero filio dicti Com. Huntington, Hen. Berkley,  
 Georgio Villiers, Thomæ Burton, Baronet. Hen. Skipwith,  
 Johanni Skeffington & Richardo Halford militibus & Baro-  
 netis, Wolstan. Dixey, Richardo Roberts, Johanni Bale,  
 Thomæ Hartop, Erasmo de la Fountayn & Willmo. Jones  
 militibus, Hen. Hastings de Humberston, Georgio Ashby &  
 Johanni Pate Armigeris ac vic. nostro Com. nostr. Leicest. pro  
 tempore existente salutem. Sciatis quod nos malitia inimicorum  
 nostrorum si regnum nostrum Anglia invadere presumpserint  
 (quod absit) gratia nobis favente divina resistere ac pro salvati-  
 one & defensione nostri ac regni prædicti & ligeorum nostrorum  
 ejusdem disponere & ordinare volentes ut tenemur Assignavimus  
 vos vel aliquos tres vel plures vestrum ad arraiand. & triand.  
 omnes & singulos homines ad arma ac homines armatos & sagitta-  
 rios in Com. præd. commorantes, infra libertates & extra, ad ar-  
 mari faciend. omnes illos qui de corpore sunt potentes & habiles  
 ad armand. qui de suo proprio habent unde se ipsos armare possunt,  
 viz. quilibet eorum juxta statum & facultates suas & ad assidend.  
 & apportionand. juxta advisamentum & discretiones vestras aut  
 aliquorum trium vel plurium vestrum ac etiam ad distringend.  
 omnes illos qui in terris & bonis sunt potentes & pro debilitate  
 corporum ad laborandum impotentes ad inveniend. juxta quanti-  
 tatem terrarum & honorum suorum & pro ut rationabiliter por-  
 tare poterunt (salvo statu suo) armatur. hominibus ad arma &  
 hominibus armatis ac arcus & sagittas ita quod illi qui morabun-  
 tur seu morari poterunt ad domum suam propriam in patria sua  
 super defensione ejusdem regni contra inimicos nostros si periculum  
 eveniat non capiant vadia nec expensas pro mora sua apud domos

suis predictis. Et ad dictos homines ad arma ac homines armatos  
 & sagittarios sic arraiatos & munitos continue in arraiatione ut  
 in millenis centenis & vicenis & aliis prout conveniens fuerit  
 & necesse teneri & poni faciend. Assignavimus autem vos aut  
 aliquos tres vel plures vestrum quorum te prefatum Henr. Comi-  
 tem Huntington & in absentia tua te prefat. Willielm. Com.  
 Devon. vel te prefat. Hen. Hastings filium predicti Comitiss  
 Huntington unum esse volumus ad dictos homines ad arma ac ho-  
 mines armatos & sagittarios sic arraiat. & munit. tam ad Coste-  
 ram maris quam alia loca ubi ac quoties necesse fuerit ad dictos  
 inimicos nostros expellend. debelland. destruend. de tempore in  
 tempus cum aliquod periculum immineat mandand. et injungend.  
 Assignavimus etiam vos aut aliquos tres vel plures vestrum ad  
 monstrum sive monstrationem eorundem hominum ad arma ac ho-  
 minum armatorum & sagittariorum de tempore in tempus quoties  
 indiquerit diligenter faciend. et supervidend. Ac etiam ad pro-  
 clamand. ordinand. et diligenter examinand. quod omnes et sin-  
 guli hu. us. modi homines ad arma ac homines armati et sagittarii  
 in monstris hu. us. modi armatur. suis propriis et non alienis ar-  
 ment. sub pœna amissionis eorundem Exceptis duntaxat illis qui  
 ad expens. aliorum armari debent ut predictum est et ad omnes et  
 singulos quos in hac parte invenieritis contrarios seu rebelles arre-  
 stand. et capiend. et eos in prisonis nostris committend. in eisdem  
 moraturis quousq. secundum legem inde deliberati fuerint et ideo  
 vobis districtius qua possumus super fide et Ligeantia quibus nobis  
 tenemini injungimus et mandamus quod statim visis presentibus  
 vos ipsos melius et securius quo poteritis arraiari et parari et co-  
 ram vobis ad certos dies et loca quos videritis magis compe-  
 tentes et expedientes et pro populo nostro minus damnosos  
 omnes homines in patria commorantes per quos arraitio et mu-  
 nitio melius fieri et compleri poterunt venire et vocari fac. et eos  
 arraiari armari et muniti et eos sic arraiatos et munitos in ar-  
 raiatione huiusmodi teneri faciatis et insuper signa vocat: (Bea-  
 kins) poni faciatis in locis consuetis per qua gentes patria de ad-  
 ventu.



ventu inimicorum nostrorum poterunt congruis temporibus praed. niri. Et eosdem homines sic arraiatos et munitos cum periculum immineret in defensionem Regni ac patrie praed. de tempore in tempus tam ad Costeram Maris quam alia loca ubi magis necesse fuerit duci faciatis vel aliqui tres aut plures vestrum quorum te praefat. Hen. Com. Huntington et in absentia tua te praefat. Willum. Com. Devon. vel te praefat. Hen. Hastings filium praed. Com. Huntington unum esse volumus duci faciant ut praed. est ita quod pro defectu defensionis arraiationis sive ductionis dictorum hominum vel per negligentiam vestram damna patrie praed. per inimicos nostros amodo non eveniat ullo modo pro posse vestro. Damus autem universis et singulis Comitibus Baronibus militibus Majoribus Baliis Constabulariis Ministris et aliis fidelibus et ligis nostris Com. praed. (tam infra libertates, quam extra) tenore praesentium firmiter in mandatum quod vobis et cuilibet vestrum in omnibus et singulis praemissis faciend. et explend. intendentes sint, consulantes et auxiliantes. Et tibi praefat. vic. quod ad certos dies et loca quos ad hoc vos vel aliqui tres vel plures vestrum ut praed. est ordinaveritis venire faciatis coram vobis vel huiusmodi tribus vel plur. vestr. (ut praed. est) omnes illos in Com. praed. per quos arraiatio, assessio et ordinatio melius poterit fieri et compleri et illos quos pro rebellionem sua capi et arrestari contigerit in prisona nostra custod. sicut praed. est. In cuius rei testimonium has praesentes literas nostras fieri fecimus Patentes, Teste meipso undecimo die Junii, Anno regni nostri decimo octavo.

Per ipsum Regem.

Willm.

Die Sabbathi 18 Junii. 1642. Resolved upon the Question by the Lords and Commons assembled in Parliament:

**T**Hat this Commission of Array for Leicester, is against Law, and against the liberty and property of the Subject.

Die Luna 20 Junii. 1642. Resolved upon the Question, &c.

**T**Hat all those that are Actors in the putting of the Commission of Array in execution, shall be esteemed as disturbers of the peace of the Kingdom, and betrayers of the liberty of the Subject.

Ordered that this Commission of Array, and the aforesaid Votes shall be forthwith Printed, and published through the Kingdom.

Jo. Brown, Cleric. Parliamentorum.



# By the King.

A Proclamation to inform all Our loving Subjects of the Lawfulnessse of Our Commissions of Array, issued into the severall Counties of Our Realm of *England*, and Dominion of *Wales*, and of the use of them: And commanding them to obey Our Commissioners therein named, in the Execution of their said Commissions.

**W**Hereas, by the Laws of this Land, the Ordering and Governing of the *Militia* of the Kingdom, for the preventing and suppression of all Invasions and Rebellions, hath (as a most known and undoubted right and prerogative) belonged in all times solely to Our self and Our Progenitors, Kings of *England*. And accordingly We have heretofore awarded Commissions of Lieutenancie into the severall Counties of this Our Realm for the governing and exercising of the Souldiory and Trained Bands there, like as Queen *Elizabeth* and Our dear Father, both of happy memory, had done before Us. And therein (amongst other things) gave power to the Commissioners in each County, to Levie, call together, Arm, Array, Train, and Muster Our Subjects inhabiting in the said severall Counties, and to conduct and lead them against all Our Enemies, and all Rebels and Traitors from time to time, as often as need should require.

All which Commissions (although We did, since the beginning of this Parliament, grant the like for the County of *York*, to the now Earl of *Essex*, with the privity of both Our Houses of Parliament, and without exception, from either) have, without hearing any of Our Councell learned, been since  
Voted.



Voted in Our said Houses of Parliament to be illegall and void; the reason whereof We have not yet been informed of, nor can imagine: For that neither any illegall Clause (if any such be) in those Commissions, nor any excesse or abuse of their authority, by any Lieutenants or their deputies, in raising of Moneys, taxing of the Inhabitants, or otherwise could, by Law, make void any powers as in themselves were lawfull to be granted and put in execution.

And whereas, in case of danger and necessity, it had been more sutable to the condition of the times, and the good liking of Our Subjects (who cannot be well pleased with any new wayes, how specious soever) that Our Houses of Parliament should have taken order, that Our Commissions of Lieutenancie (the Course whereof had so long continued) should, for the present, have been put in execution, at leastwise such part thereof as was undeniably and unquestionably legall, and was sufficient for the purposes before mentioned, or that (according to the like Presidents in former times) they would have desired Us to have granted new Commissions of that nature, omitting such Clauses as might justly have been excepted against, which We would not have denied; and not to have called in so suddenly for those Commissions to be cancelled, as was done (though We know not by what Law) in Our House of Peers. Yet notwithstanding, Our two Houses of Parliament, in stead of such Our Commissions, under pretence of evident and imminent danger, and urgent and inevitable necessity of putting Our Subjects into a posture of Defence, have made a late Order for the settling of the MILITIA, under the name of an Ordinance (which two or three severall times had been refused by the major part of Peers) and being made, not onely without, but against Our Consent (the reasons whereof are sufficiently known to all Our Subjects, is not onely without any one warrantable president of former times (as We beleave) but (as We are well assured) void in Law.

Where

Wherefore, out of the care which We have of Our people, lest under the pretence of danger, necessity, and want of Authority from Us to put them into a Military posture, they should be drawn and ingaged into any opposition against Us, or Our just Authority; and that they may know they are by Us otherwise provided for, and secured against all just causes of Fears and Dangers from any Force in a legall way (for We are resolved to rule and govern Our Subjects according to Our known Laws onely) We have thought fit, for the present, hereby thus timely to publish and declare, That We have awarded into the severall Countiees of Our Kingdom of *England*, and Dominion of *Wales*, Our severall Commissions of Array; thereby giving power to severall persons of Honour, Reputation, and Estate in the said Countiees, for the safety and defence of Us, Our Kingdom, and Our good Subjects from time to time, as it shall be needfull to Array, Train, Arm, and Muster Our Subjects inhabiting in the said Countiees, and in case of imminent danger, to conduct and lead them for the destruction of Our enemies, and in the defence of their Countrey and the Kingdom.

Which power of granting Commissions for the defence of Us and Our Kingdom, as it is inherent in Us, and inseparable from Our Crown, so it hath been warranted by Presidents of the like Commissions in all Ages, both before and since the grant of the great Charter by King *Henry* the third, down to the very time that Commissions of Lieutenancie were granted; and was agreed to be legall even by the 2 learned Judges, *Sir George Croke*, and *Sir Richard Hutton* (among all the rest) in their Arguments, which concluded on the Subjects part in Our Exchequer-Chamber in *Master Hampdens Case*; as by the same (now since printed) may appeare, together with divers particular Records in severall Ages therein mentioned, to which many more may be added.

And in these Our Commissions, to prevent all manner of  
Exception,



**Exception,** We have, in the powers given to Our Commissioners, in all points followed that Commission of Array, which was agreed upon by the King and both houses of Parliament, after conference with the Judges of the Realm, in the fifth yeere of King *Henry* the fourth, and was done upon the desire of the Commons, to have some alterations from former Commissions in certain over-strict Clauses, whereunto neverthelesse no exception was taken for the legalitie, but the Kings Assent acknowledged as an Act of great Grace, as appeareth by the Parliament Rolls of that yeere. Since which time Commissions of Array have frequently issued for prevention of danger, either of Enemies abroad or at home (in both which respects Our Houses of Parliament have voted this Kingdom to be in danger) the same being indeed the old ordinary way for the preservation of the King and Kingdom, who must not delay their preparation till such danger break forth into action, and so perhaps prove too late. And these Commissions of Array were not discontinued, till by reason of the Commissions of Lieutenancie (which in substance contained the powers given by those Commissions of Array) they came to be of little use.

And whereas by the Statute of the fourth and fifth yeeres of the Reign of *Philip* and *Mary* King and Queen of *England*, it is enacted, That if any person or persons that shall be commanded generally or specially to Muster afore any such as shall have Authority or Commandement for the same, by, or from the King, or by any Lieutenant, Warden, or other person or persons authorized for the same, do willingly absent him or themselves from the same Muster, having no true and reasonable excuse of Sicknesse, or other lawfull Impediment, or at their appearance at such Musters, do not bring with them such their best Furniture, or array and armour, as he or they shall then have for his or their own person in readinesse, that such person or persons shall, for every such default and offence, incur such penalties, and to be inflicted in such manner as by the said Statute are limited. Which Statute is in full force.

We



We do therefore, by this Our Proclamation, expressly charge and command all Our Sheriffs, Justices of peace, Majors, Bailiffs, Constables, and all other Our Officers, and other Our loving Subjects of Our severall Counties of *England*, and Dominion of *Wales* respectively, That they be attending, aiding, assisting, counselling, and at the commandement of the said Commissioners of Our severall Counties respectively in the execution of their Commissions, as they will answer the contrary at their utmost perills.

And although We can nothing doubt that any of Our loving Subjects shall or will oppose or hinder Our said Commissioners in the execution of their said Commissions, by putting in execution any power touching the *Militia*, not warranted by Our Authority, or otherwise disturbing Our said commissioners in execution of Our Service, considering the extreme danger wherein such Act may, upon the severall Circumstances, by the strict construction of Law involve them: Yet least any ill-affected persons, too far presuming upon Our Clemency, and in hope of impunity or pardon, should dare to offend Us and Our Laws, contrary to this Our Proclamation; We doe hereby declare to all Our Subjects, That whosoever shall, after this Our Proclamation published, do any thing in opposition of Our Commissioners, by disobeying their Commands, according to Law, or putting in execution any other Command concerning the *Militia* of Our Kingdom, contrary to Law, We shall account them unworthy of Our Grace and Mercie, and such as must expect, that Justice (how penall or capitall soever it be) shall be done upon them according to their demerits.

Given at Our Court of York, the twentieth day of June, in the eighteenth year of Our Reign. 1642.

F I N I S.

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